THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20935 OF 2006

DATED: 11-10-2006

Between:

C. Mohan Reddy … Petitioner

And

The Tirumala Tirupati Devastanam
Rep.by its Executive Officer
Tirumala, Tirupati, Chittoor District … Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20935 OF 2006

ORDER:

Petitioner had an existing license with the respondent-Devastanam to run a 'Janatha' Canteen at Tirumala uphills. Admittedly, the license is to expire on 13-10-2006.

On 23-05-2006, a show cause notice was issued to the petitioner alleging that on 19-04-2006 at about 2.45 p.m. the Assistant Executive Officer (Revenue) of the respondent along with his staff had inspected the canteen run by the petitioner and saw some pilgrims taking meals. On enquiry from the pilgrims, it is learnt that Rs.22/- per meal was charged instead of Rs.15/-, as fixed by the Tirumala Tirupati Devastanam and also the food was neither tasty nor hygienic and was wholly sub-standard. Alleging transgression of the rates structure fixed by the respondent, the show cause notice dated 23-05-2006 called upon the petitioner to respond within the stipulated time why his license be not cancelled, forfeiting the earnest money deposit of Rs.2,00,000/- and Security Deposit of Rs.6,51,000/-, for violation of terms and conditions of license and tender.

The petitioner submitted an explanation on 02-06-2006 denying

the allegation and asserting that on the basis of news reports in Telugu dailies that the respondent-Devastanam had increased rates, he had sold the food at the revised rates and therefore has not violated any of the terms and conditions of the license. Thereafter, no proceedings have been issued either for cancellation of the petitioner's existing license or imposing the consequences specified in the show cause notice dated
23-05-2006. The petitioner also submitted a representation on
03-10-2006 requesting that a benign view be taken of to the petitioner's transgression if any and requesting for extension of his license, as was done in the case of similar canteens run by other licensees. This representation having been made on
03-10-2006 is presumably under consideration of the respondent.

In this writ petition, the petitioner seeks a declaration that the action of the respondent in proposing to impose a penalty as specified in the show cause notice dated 23-05-2006 is illegal, arbitrary and violative of the principles of natural justice and of the provisions of Article 14 of the Constitution. He seeks a direction to the respondent to permit him to run the canteen on a hike of 10% of the license fee and pass appropriate orders incidental to the reliefs sought.

It is not the province of this Court under Article 226 of the Constitution to exercise the executive discretion inhering in the respondents and to direct extension or renewal of the license of the petitioner. These are all the matters within the rational discretion of the respondent. Admittedly, no order has yet been passed pursuant to the show cause notice dated 23-05-2006. The petitioner's representation dated 03-10-2006 for extension of the lease is also under consideration. No Mandamus could be issued to the respondent, on settled principles of administrative law, to exercise discretion in a particular manner having regard to the fact that the respondent enjoys a raft of rational discretion.

In the aforesaid circumstances, no relief could be granted. The

writ petition is dismissed at the stage of admission. This Court is not in doubt that the respondent will consider the petitioner's representation dated 03-10-2006, within the purview of its rational discretion. No order as to costs.

GODA RAGHURAM, J.

Dt: 11-10-2006
Note:
Issue C.C. within two days.
(B/O)
rns

SECOND APPEAL NO.310 OF 1995

Mr. M. Vijay Kumar : Learned counsel for the appellant

Mr. V.V.L.N. Sharma : Learned counsel for the respondent

Last Result Portion:

Once it is evident that the suit schedule property was purchased by the husband of the respondent through Ex.A1 and the appellant had failed to prove that 'B' schedule property had fallen to the share of his vendor in the family partition, the claim made by the respondent for the suit schedule property stood proved. This Court does not find any basis to interfere with the concurrent judgments rendered by the courts below.

Second appeal is devoid of merits and the same is accordingly dismissed.